IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.1482 of 2007
DATE OF ORDER: 19.3.2007

Suhrid Singh @ Sardool Singh

...Petitioner(s)

Versus

Randhir Singh & Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Petitioner Sudrid Singh in person.

M.M. AGGARWAL,J

This is petition against order dated 27.2.2007 passed by Civil Judge(Sr.Divn.), Chandigarh whereby petitioner-plaintiff was asked to pay ad valorem court fee on the consideration price of sale deeds.

Plaintiff-petitioner had filed suit for declaration and challenging certain sale deeds. The court came to the conclusion that if the suit was decreed then the sale deeds will have to be cancelled and as such ad valorem court fee was required to be paid on consideration price of the sale deeds.

Petitioner in person argues that in this case the land is involved and that it is co-parcenery land and the petitioner is co-parcenery and he had challenged sale deeds executed by the karta and no advalorem court fee is payable. He relies on Full Bench Judgment of this Court reported in Gurdial Singh v. Balwinder Singh and Others, PLR, Vol.LXXIII 1971, 716 and argues that the court fee is payable under Article 1, Scheduled 1.

I have gone through this judgment also. If a decree is passed in the case filed by plaintiff, then it will amount to cancellation of certain sale deeds executed. Even in the case relied on by the petitioner, the court fee had been directed to be paid.

I do not find any merit in the petition and the same is dismissed.

March 19, 2007 (M.M. AGGARWAL)
manoj JUDGE